HIGH COURT OF UTTARANCHAL AT NAINITAL

Bail Application No. 1118 of 2006

CRIMINAL SIDE

Jaman Kumar @ Jaman Singh s/o Man Singh
R/o Nagling-Galati, P.S. Dharchula
District Pithoragarh

....Accused/Applicant

Versus

State of Uttaranchal ..... Opposite Party

Case Crime No. 36 of 2006
Under Sections 323, 304 I.P.C. P.S. Dharchula,
District Pithoragarh.

Dated: 8.12.06

By the Court

Hon'ble Rajesh Tandon, J.

Heard Sri B.Adhikari, Advocate for the applicant and the A.G.A for the prosecution.

Accused applicant Jaman Kumar has applied for bail in case crime No. 36 of 2006 under Sections 323 & 304 I.P.C. P.S. Dharchula, District Pithoragarh.

According to the prosecution case the deceased along with Dinesh Mehto reached to the shop of the co-accused Smt. Janki Misra in the drunken state and quarreled with Smt. Janki Misra. The deceased assaulted Smt. Janki Misra. On this the applicant and husband of Smt. Janki Misra intervened and slapped the deceased and the deceased ran away. Thereafter, the deceased was recovered from the drainage in injured

condition. He was admitted in the hospital where he died after three days.

Counsel for the applicant as submitted that there is no direct evidence that the applicant has assaulted the deceased and caused him fatal injuries. There was also no motive for the accused to cause the death of the deceased. It might be possible that the deceased himself fell down in the drainage and sustained injuries in the drunken state. The entire case is based on the circumstantial evidence

I have considered the respective submissions of the parties. Without expressing anything on the merit of the case and considering the totality of facts and circumstance, in my opinion, it is a fit case for bail.

Let the accused applicant be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Magistrate concerned.

(**Rajesh Tandon, J.**)

Dated: 8.12.2006
*Dhyani